

House File 325 - Introduced

HOUSE FILE _____
BY ALONS, KAUFMANN, KOESTER,
DOLECHECK, DE BOEF, RAYHONS,
DRAKE, SWEENEY, HUSEMAN,
SCHULTZ, WINDSCHITL, and SORENSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to operating a motor vehicle while intoxicated
2 offenses that involve a death, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1806HH 83
5 jm/nh/5

PAG LIN

1 1 Section 1. Section 707.6A, subsection 1, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 A person commits a class "B" felony when the person
1 4 unintentionally causes the death of another by operating a
1 5 motor vehicle while intoxicated, as prohibited by section
1 6 321J.2, and notwithstanding section 902.9, subsection 2, shall
1 7 be punished by confinement for no more than fifty years. A
1 8 person sentenced for a violation of this subsection shall not
1 9 be eligible for parole until the person has served a minimum
1 10 period of confinement of twenty-five years. Upon a plea or
1 11 verdict of guilty of a violation of this subsection, the court
1 12 shall do the following:
1 13 Sec. 2. Section 707.8, subsection 4, Code 2009, is amended
1 14 to read as follows:
1 15 4. A person who unintentionally terminates a human
1 16 pregnancy by any of the means provided pursuant to section
1 17 707.6A, subsection 1, is guilty of a class ~~"C"~~ "B" felony.
1 18 Sec. 3. Section 902.12, Code 2009, is amended by adding
1 19 the following new subsection:
1 20 NEW SUBSECTION. 7. Unintentional termination of a human
1 21 pregnancy in violation of section 707.8, subsection 4.
1 22 EXPLANATION
1 23 This bill relates to operating a motor vehicle while
1 24 intoxicated offenses involving a death.
1 25 The bill increases the penalty for a homicide by vehicle
1 26 offense when operating a motor vehicle while intoxicated from
1 27 a class "C" felony to a class "B" felony punishable by
1 28 confinement for no more than 50 years. The bill also requires
1 29 a person who commits such an offense to serve a minimum term
1 30 of confinement of at least 25 years. A typical class "B"
1 31 felony is punishable by confinement for no more than 25 years
1 32 and contains no mandatory minimum term of confinement.
1 33 Under the bill, by increasing the penalty for a homicide by
1 34 vehicle offense when operating a motor vehicle while
1 35 intoxicated, the penalty for such an offense is also increased
2 1 when the offense involves leaving the scene of an accident.
2 2 Under the bill, if a person commits such a homicide by vehicle
2 3 offense and leaves the scene of the accident, the person is
2 4 required to serve a minimum term of confinement of 70 percent
2 5 of the 50-year term of confinement pursuant to the provisions
2 6 of Code section 902.12(6). Currently, a person would serve a
2 7 minimum term of confinement of 70 percent of a 25-year term of
2 8 confinement pursuant to the provisions of Code section
2 9 902.12(6).
2 10 The bill also increases the penalty for an unintentional
2 11 termination of a human pregnancy when operating a motor
2 12 vehicle while intoxicated. The bill increases the penalty
2 13 from a class "C" felony to a class "B" felony. The bill also
2 14 makes the penalty for such an offense subject to the 70
2 15 percent provisions under Code section 902.12.
2 16 LSB 1806HH 83
2 17 jm/nh/5

